

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 116 OF 2005

Kiran Dattatray Malave. ... Appellant.
Versus.
Sharad Pralhad Bhavsar & ors. ... Respondents.

Shri Ashok D.Avhad for the Appellant.

Shri Jaydeep Deo i/by Shri P.K.Dhakephalkar for the
Respondents Nos.1 to 6.

CORAM : ABHAY S. OKA, J.

DATED : 2nd March, 2005.

P.C.:

1. The learned Advocates appearing for the parties state that the companion Appeal from order has been disposed of.

2. By the order impugned the Application made by the Appellant/Plaintiff at Exh.5 has been partly allowed. The learned trial Judge restrained the Respondent from creating any third party interests in respect of the suit property with liberty to develop the suit site. The said order is operating for the last more than two years. There is no interim relief granted by this Court.

3. The grant of temporary injunction is an equitable relief. Hence at this stage no interference is called for.

4. Hence the Appeal is dismissed with no order as to costs. It is made clear that all further actions of the Respondent will be subject to the further orders which may be passed in the pending Civil Suit. The suit will be decided on its own merits without being influenced by the prima-facie finding recorded in the impugned order.

Judge.